IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1413/2006

RAMDEEN Vs. STATE OF RAJASTHAN

Date of order: 23.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. R.K. Gaur for the petitioner.
Mr. S.N. Gupta, PP for the State.

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The present criminal revision petition under Section 53 of the Juvenile Justice (Care & Protection) of Children) Act, 2000 read with Sections 397 and 401 Cr. P.C. is directed against the order dated 06.11.2006 passed by the Special Judge, NDPS ACT (District & Sessions Judge), Dholpur in Sessions Case No. 88/2006 arising out of FIR No. 109/2006, P.S. Nihalganj, Dholpur, whereby the petitioner has been held not to be juvenile.

As per the school certificate, the petitioner's date of birth is 25.07.90, whereas; as per the medical report he is shown about 19 years old.

Looking to the discrepancy in the date of birth of the petitioner as per school certificate and medical report, the same can only be established after adducing evidence to this effect.

The petitioner is given liberty to file fresh revision petition and the Court below after conducting enquiry and after establishing this fact and after examining the evidence to this effect, shall pass appropriate order.

Hence, the impugned order dated 06.11.2006 is hereby quashed and set-aside with direction to the Court below to investigate into the matter and after appreciation of the evidence led by the parties to establish the correct date of birth of the petitioner, shall pass fresh order to this effect whether the petitioner is juvenile or not? It is expected from the Court below to expedite the hearing.

However, learned counsel for the petitioner requested that the petitioner be released on bail. The request of the petitioner at this stage is declined.

With these observations, the matter is remanded back to the Court below as indicated herein above and the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/